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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY

NOTIFICATION

The 11th September, 2015

No. 9700/L.A.— The following Bill which has been introduced in the Odisha Legislative Assembly on the 28th August, 2015 is herewith published under Rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

**ODISHA STATE COMMISSION FOR THE SCHEDULED CASTES AND THE SCHEDULED TRIBES BILL,
2015**

(By RANENDRA PRATAP SWAIN, MLA)

A

BILL

To Constitute a Commission for the Scheduled Castes and the Scheduled Tribes in the State of Odisha and to provide for matters connected herewith or incidental thereto.

Be enacted by the State Legislatures:—

Short Title and
Commencement.

1. (1) This Act, may be called the Odisha State Commission for the Scheduled Castes and the Scheduled Tribes Act, 2015.
- (2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise require,
 - (a) “Commission” means the Odisha State Commission for the Scheduled Castes and the Scheduled Tribes constituted under section 3 :
 - (b) “Government” means the Government of Odisha.

Constitution of
Commission for
Scheduled Castes
and Scheduled
Tribes.

- (c) "Member" means a member of the commission and includes the chairperson.
- (d) "Prescribed" means prescribed by rules made under this Act.
- (e) "Scheduled Castes" shall have the meaning assigned to it in clause (24) of Article 366 of the Constitution of India.
- (f) "Scheduled Tribes" shall have the meaning assigned to it in clause (25) of Article 366 Constitution of India.

3. (1) The State Government shall, as soon as may be, after commencement of the Act constitute a body to be known as "the Odisha State Commission for the Scheduled Castes and the Scheduled Tribes" to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The commission shall constitute of the following members, namely:—

- (a) A chairperson, from among the Scheduled Castes and Scheduled Tribes, who has special knowledge in matters relating to the Scheduled Castes and Scheduled Tribes, to be nominated by the Government.
- (b) Two members who have special knowledge in matters relating to the Scheduled Castes and Scheduled Tribes, to be nominated by the Government; and
- (c) The Secretary to Government of the Scheduled Castes and Scheduled Tribes Development & Other Backward Classes and Minorities Welfare Department of the Government, *Ex-officio*, who shall be Member-Secretary of the Commission.

Tern of Office and
Conditions of
service the
chairperson and
members.

4. (1) Every member shall hold office for a term of three years from the date he assumes office.

(2) The Chairperson or Members of the Commission may at any time, by writing under his hand addressed to the Government, resign his office.

(3) The Government shall remove a person from the office of the Chairperson or of a member if that person.

- (a) becomes as undercharged in solvent or
- (b) Has been connected and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or

- (c) becomes of unsound mind and stands so declared by a competent Court : or
- (d) refuses to act or becomes incapable of acting or
- (e) without obtaining leave of absence from the commission; absents from three consecutive meetings of the commissioner or
- (f) has in the opinion of the Government, so abused the position of chairperson or member, as to render that person's contrivance in office detrimental to the interest of the Scheduled Castes, and the Scheduled Tribes or the public interest:

Provided that no person shall be removed under clause this clause unless that person has given an opportunity of being heard in the matter.

- (4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination within a period of three months.

Staff of the
commission.

- 5.** The salaries and allowances payable to, and the other terms and conditions of service of the chairperson and members are such, as may be prescribed.

- (1) The Government shall provide the commission with such officers and employees, as may be required for the proper functioning of the commission.
- (2) The salaries and allowances payable to and the other terms and conditions of service of the officers, and other employees appointed for the purpose of the commission shall be such as may be prescribed.

Salaries, allowances
and administrative a
person to be payout
of grants.

- 6.** The salaries and allowances payable to the chairperson and members, and the administrative expenses, including salary, allowances and pension payable to the officers and other employees referred in Section 5, shall be paid out of the grants referred to in sub-section (1) of Section 12.

Vacancies etc. not
to invalidate
proceedings of the
commission.

- 7.** No action proceedings of the commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the commission.

Procedure to be
regulated by the
commission.

- 8. (1)** The commission shall meet as and when necessary, at such time and place, as the chairperson may think fit:
provided that it shall meet at least once in three months.
- (2) The commission shall have power to regulate its own procedure

- (3) All orders and decisions of the commission shall be authenticated by the Member-Secretary or any other officer of the commission duly authorised by the Member Secretary in this behalf.

Functions of the
commission.

9. The commission shall have the following functions, namely:—

- (a) To investigate and examine the working of various safeguards provided in the Constitution of India or under any other law for the time being in force or under any order of the Government for the welfare as protection of the Scheduled Castes and the Scheduled Tribes of the Odisha.
- (b) To inquire in to specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes as the Scheduled Tribes of Odisha an to take up such matters with the appropriates authorities;
- (c) To participate and advise on the planning process of social-economic development of the Scheduled Castes and the Scheduled Tribes and to evaluate the progress of their development in the State.
- (d) To make recommendations as to the measures that should be taken by the Government for the effective implementation of safeguards as other measures for the protection, welfare as socio-economic development of the Scheduled Castes and the Scheduled Tribes and to make report to the Government annually and at such other time, as the commission may deem fit.
- (e) To discharge such other functions in relation to the protection, welfare, development and advancement of the scheduled castes as scheduled, as may be prescribed:

Provided that if any matter specified in this section is dealt with by the National Commission for Scheduled Castes and the Scheduled Tribes under Article 338 of the Constitution of India, the State commission for the Scheduled Castes and the Scheduled Tribes shall cease to have jurisdiction on such matter.

Laying Reports.

10. The State Government shall cause such reports referred to in clause (d) of Section 9 to be laid before the Legislative Assembly explaining the action taken or proposed to be taken and the reasons, if any, for non acceptance of the recommendations.

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| Powers of the commission. | <p>11. The commission shall, while performing its functions under section 9, have all the powers of a Civil Court trying a suit and in particular, in respect of the following matters, namely:—</p> <ul style="list-style-type: none">(a) Summoning and enforcing the attendance of any person from any part of the State and examining him on oath.(b) Requiring the discovery as production of any document.(c) Receiving evidence on affidavits.(d) Requisitioning any public record or copy thereof from any Court or Office.(e) issuing summons for the examination of witnesses and documents; and(f) Any other matter which may be prescribed. |
| Grants by the Government | <p>12. (1) The Government shall, after due appropriation made by the State Legislative by law in this behalf, pay to the commission, by way of grants, such sums of money, as the Government may think fit for being utilised for the purpose of this Act.</p> <p>(2) The commission may spend such sums out of the grant as it thinks fit, for performing the functions under this Act as such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).</p> |
| Audit report to be laid before the legislative. | <p>13. (1) The commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form, as may be prescribed.</p> <p>(2) The accounts of the commission shall be audited annually by such auditor as the Government may appoint in this behalf.</p> <p>(3) All the accounts and other records should be made available to the auditor for the purpose of the audit.</p> <p>14. The Government shall cause the audit reports to be laid, as soon as they are received, before the Legislative Assembly.</p> |
| Chairperson, members employees of the commission to be public servants. | <p>15. The chairperson, members and employees of the commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (Central Act, 45 of 1860)</p> |

Power to make
rules.

- 16. (1)** The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely:
- (a) Salary and allowances payable to and other terms and conditions of the service of the chairperson and the members under sub-section (5) of Section 4 and of the officers and other employees under sub-section (2) of Section 5.
 - (b) The form in which the annual report shall be prepared under clause (d) of Section 9:
 - (c) The form, in which the annual statement of accounts shall be maintained under sub-section (1) of Section 13; and
 - (d) Any other matter which is required to be or may be prescribed.
- (3) Every rule made under this Act. Shall be laid, as soon as may be after it is made, before the Legislative Assembly while in session for a total period of fourteen days which may be comprised in one session or in two successive sessions immediately following the Legislative Assembly makes any notification in the rule, or decides that the rule should not be made, the rule shall thereafter, have effect in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove
difficulty.

- 17. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty:
- Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.
- (2) Every order made under this section shall, as soon as may be, after it is made, be laid before the Legislative Assembly.

STATEMENT OF OBJECTS & REASONS

1. It is considered necessary to enact legislation to provide for Constitution of the Permanent Commission for the persons belonging to the Scheduled Castes and Scheduled Tribes of the State of Odisha.

2. To Investigate and examine the working of various safeguards provided for the welfare and protection of the Scheduled Castes and Scheduled Tribes Odisha.

3. To inquire in to specific complaints with respect to the direction of rights and safeguards of the Scheduled Castes and Scheduled Tribes of the Odisha.

4. To participate and advice on the planning projects of Socio-economic development of the Scheduled Castes and Scheduled Tribes of the State.

5. To make recommendations as to the measures that should be taken by the State Government for the effective implementation of welfare measures for the Socio-economic development of the Scheduled Castes and Scheduled Tribes and make report to the State Government annually.

6. To discharge any other functions as may be entrusted by rules.

The Bill Seeks to achieve the above objectives.

RANENDRA PRATAP SWAIN

Member-in-Charge

A.K. SARANGI

SECRETARY

ODISHA LEGISLATIVE ASSEMBLY